

Webcast 2: Who does LOC apply to and When?

Presenters:

Jonelle Brom, Out-of-Home Care Specialist

Brenda Kritz, ICPC Specialist

Mark Mitchell, Office of Legal Counsel

Loa Porter, Indian Child Welfare Specialist

Holly Telfer, Kinship Care Specialist

Questions During or After Presentation

Send an Email to: DCFLOCwebcasts@wisconsin.gov

Overview

- Overflow Questions from Webcast 1
- Discussion of Target Population
 - Court-Ordered Kinship Care cases
 - Tribal, ICPC, Delinquency cases
 - Other Types of Court-Ordered Placements
 - Relative Placements, Unpaid
 - Non-Relative Placements
 - Voluntary Kinship Care Cases
- Discussion of Timelines
- Questions

Questions from Webcast 1

Question

- Are annual reviews licensing reviews or the child's annual placement reviews? (slide 17)

Answer

- The “annual renewals” refers to the “Eligibility Reassessment” required in the Kinship Care Program. Every family receiving Kinship Care payments is required to have an annual review as long as they receive payments. The following COKC families will continue to have annual reviews for as long as they receive Kinship Care payments: those who refused licensure (only for cases approved for COKC prior to 1/1/2010), were denied licensure, or were deemed unlicenseable and who also have gone through the court/admin review process and continue to meet the criteria for eligibility of Kinship Care. They will NOT have to go through the court/admin review more than once.

Questions from Webcast 1 Continued

Question

- If a child's placement is deemed unsafe, should placement be addressed on an emergency basis rather than waiting for the court review?

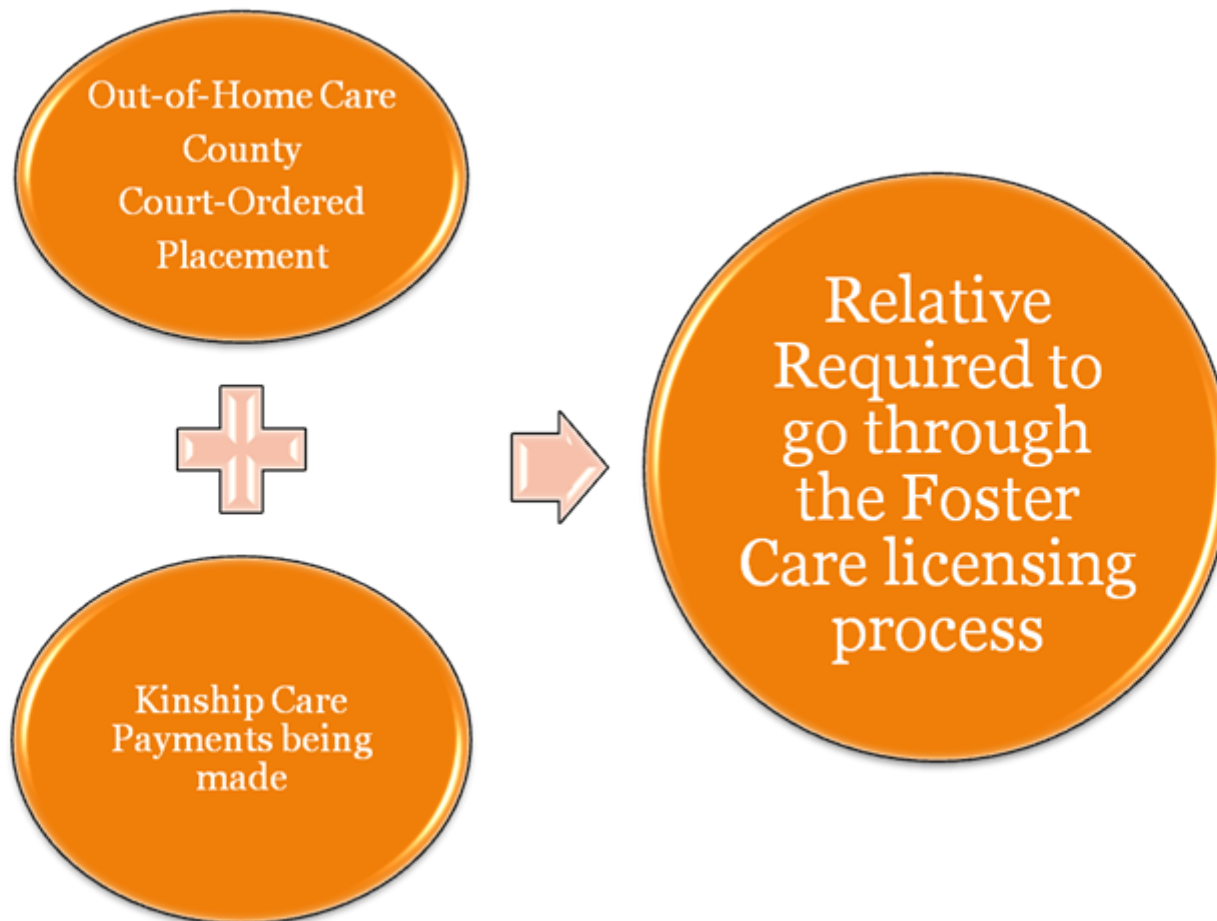
Answer

- If at any point in a case a placement is deemed unsafe, the safety concerns should be addressed immediately. Sometimes this will mean filing an emergency change of placement, while other times this can go through the normal change of placement process. In either case, the agency should not wait until the next Permanency Plan Review/Hearing before acting on an “unsafe” environment.

Court-Ordered Kinship Care Cases

- Cases where placement is made by a county circuit court that are approved for COKC payments before or after 1/1/2010.
- Required to go through the foster care licensing process.
- Licensing process begins at or before the annual reassessment for eligibility for cases approved for COKC prior to 1/1/2010 or when the COKC is approved for cases approved after 1/1/2010.

Think of it This Way...



Cases Involving Tribes

Tribal Court-Ordered Placement

- Tribal Court jurisdiction and Tribal COKC—provider is *exempt* from the Foster Care licensing requirement since DCF has no authority over tribal courts and cannot require a tribe to license a provider.
- It does not matter whether the provider lives on or off the reservation.
- ❖ *There is a memo forthcoming on this issue.*

County Circuit Court-Ordered Placement

- Circuit Court-Ordered Placement, receiving COKC payments from the county, follows the process just discussed.
- It does not matter whether the provider lives on or off the reservation.
- If on-reservation, county should notify tribe.

ICPC Cases

- Conversion from Kinship Care cases to Level 1 or 2 Foster Care licensure applies to ICPC cases, either from Wisconsin or another state, ONLY when Wisconsin is making a Kinship Care payment.
 - Some states pay out-of-state kinship for children placed in WI; these cases do not need to be licensed as foster care placements unless required by the sending state.
 - If WI is not paying a Kinship Care payment, then no foster care licensing is required.

Note: Out-of-State Kinship Care placements are to be considered court-ordered and not wait listed, as we honor the sending state's court order and provide supervision/services to the family.

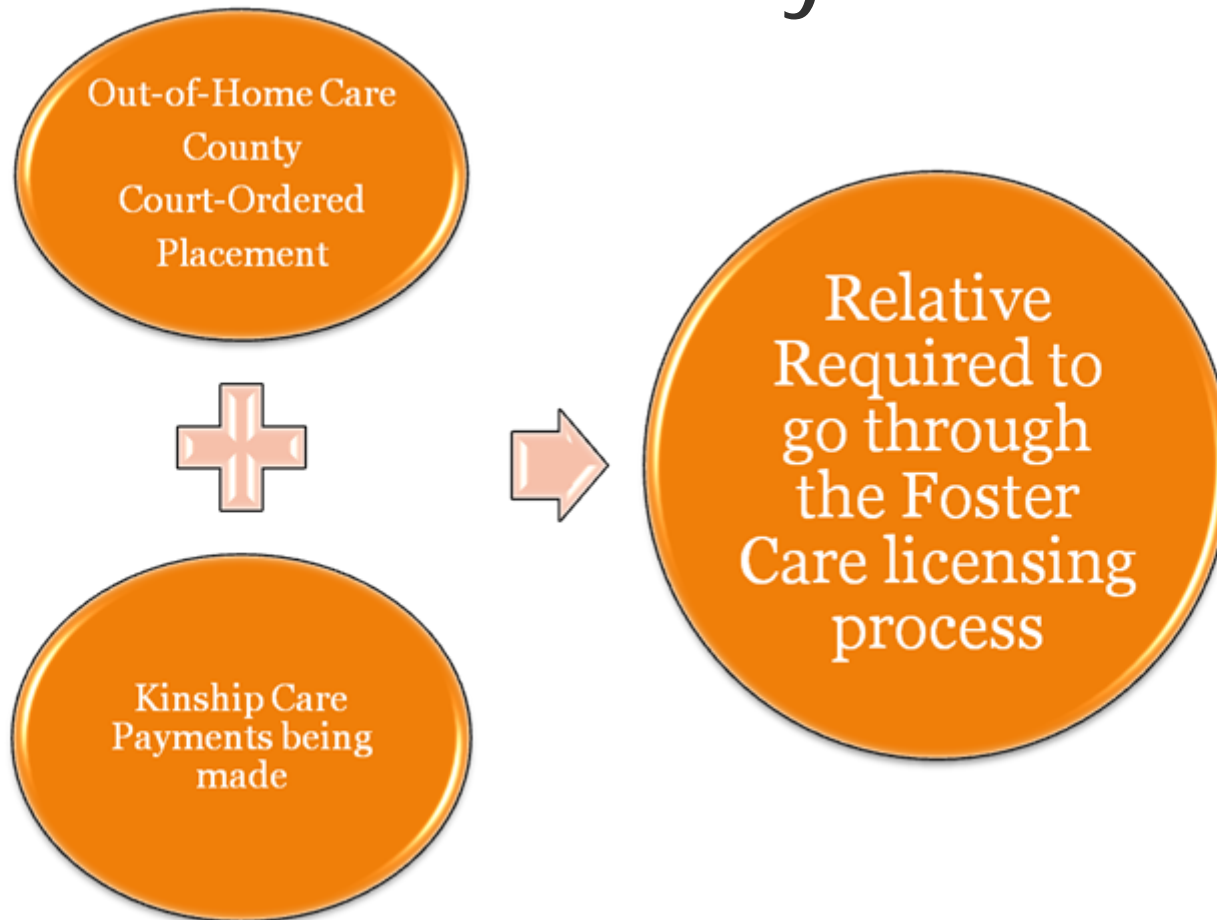
Paperwork for ICPC Cases

- If an existing relative placement (either in WI or in another state) will need Kinship Care payments from WI,
- Then the sending agency must submit a new 100A, financial/medical plan and any new case documents for a foster home study and a cover letter explaining the reason for conversion.



Do Delinquency
Orders Count?

As Stated Previously...Think of it This Way



Other Types of Court-Ordered Placements

Unlicensed Relative, Unpaid

- Not required to go through foster care licensing process.
- No changes to current practice, still must complete:
 - Background checks
 - Confirm Safety of the OHC placement
 - Which includes a review of the physical environment, capacity of the caregivers to care for the child, and the match of the child and the caregiver.

Unlicensed Non-Relative

- Must be licensed within 30 days; one 30-day extension is allowed if granted by the court.
- No changes to current practice, still must complete:
 - Background checks
 - Confirm Safety of the OHC Placement
 - Which includes a review of the physical environment, capacity of the caregivers to care for the child, and the match of the child and the caregiver.

Voluntary Kinship Care Cases

No Changes—LOC does not apply.



Timelines

COKC Cases Approved Prior to 1/1/2010

A series of horizontal lines in red and white, located below the title. It includes a solid red line, followed by a white line, and then several thin red lines of varying lengths.

Requirement to Apply for FC License

- Sections DCF 58.13(3) and 58.16(3), Adm. Code, “Reassessment of Eligibility” requires...

“prior to or at the reassessment of eligibility in calendar year 2010, a kinship or long-term kinship care relative who is caring for a child...under a court order SHALL apply for a license to operate a foster home under s. DCF 58.04(1).”

Timeframes

- Section DCF 58.066(1), Adm. Code, states that a foster home license is required by no later than **6 months** after the date of the first review under s. DCF 58.13 or 58.16, occurring after 1/1/2010.
- Section DCF 58.066(2), Adm. Code, *Exception*: allows a COKC provider who refuses or is unable to meet the minimum requirements for issuance of a foster care license to continue to receive COKC payments.

❖ *Webcast 1 has more specifics about this process.*

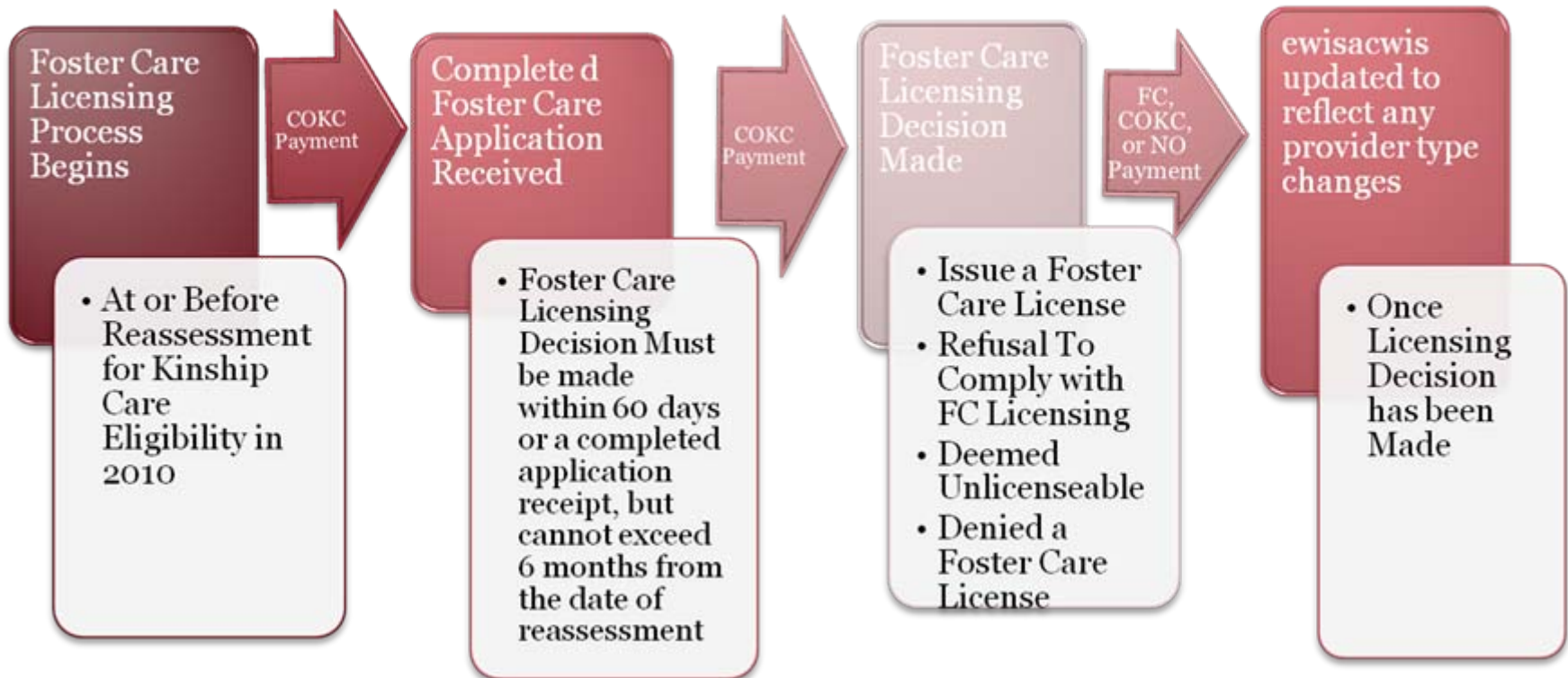
Continued COKC Payments

- Until a licensing decision has been made, COKC payments may continue.
- Once a licensing decision has been made, no further COKC payments can be made unless an exception under s. DCF 58.066(2) applies.

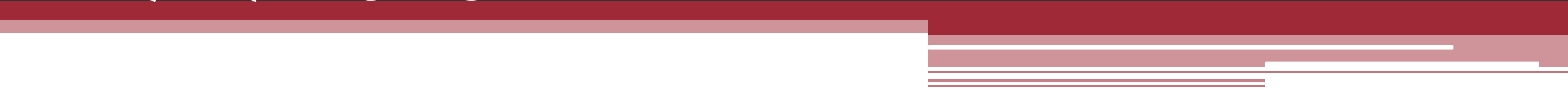
COKC Cases

Approved Prior to 1/1/2010

TOTAL TIME CANNOT EXCEED 6 Months



COKC Cases Approved After 1/1/2010



Application...

- Section DCF 58.04(1) requires an applicant for Kinship Care or Long-Term KC who has a child placed under a court order to apply for a license to operate a foster home under Ch. DCF 56.
- If they are not complying with the FC licensing, they are ineligible for a KC payment.

Payments Pending Decision on Foster Care Application

Can continue until the earliest of the following:

- Not more than 60 days after the date of receipt of a completed foster care application.

OR,

- A foster care license is approved, denied, or the care provider is otherwise deemed to be ineligible for licensure.

Payment Extension, If NO FAULT delay

- If the KC relative is not given a licensing decision within 60 days after the receipt of a completed application for a reason other than an act or omission of the KC relative, payments may be made until the earlier of the following:
 - 4 months after the date the county department or the department received the completed application

Or ,

- The date a licensing decision is made within those 4 months.

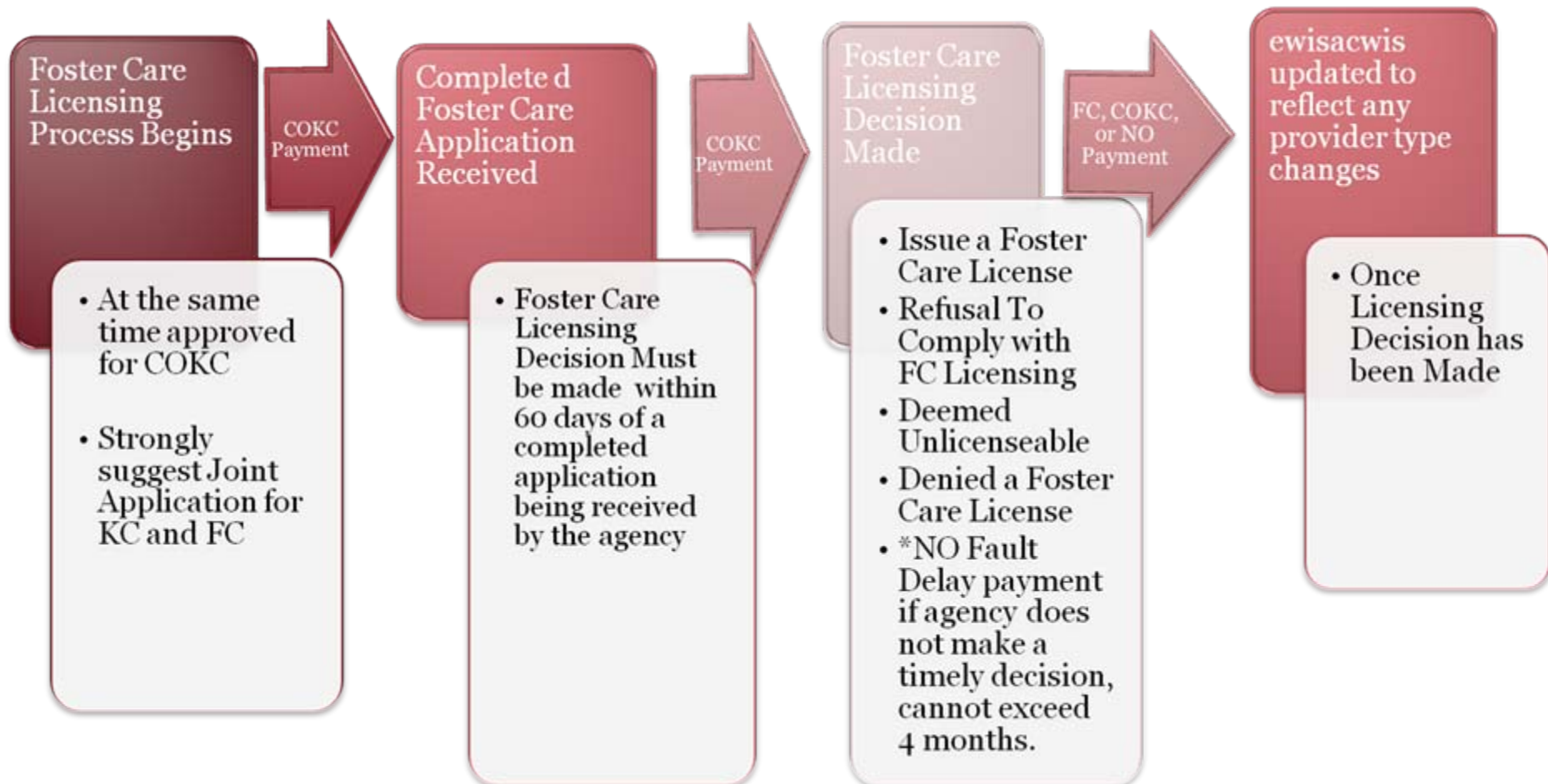
Court Approves Continued COKC Placement

- Section DCF 58.065(3) allows COKC payments to continue if all of the following are met:
 - COKC denied or otherwise determined ineligible for licensure,
 - Agency continues to recommend placement,
 - Agency submits relative caregiver licensing form to court for consideration at next perm. plan hearing,
 - Court continues the placement, and
 - The COKC provider continues to meet Kinship Care eligibility requirements.

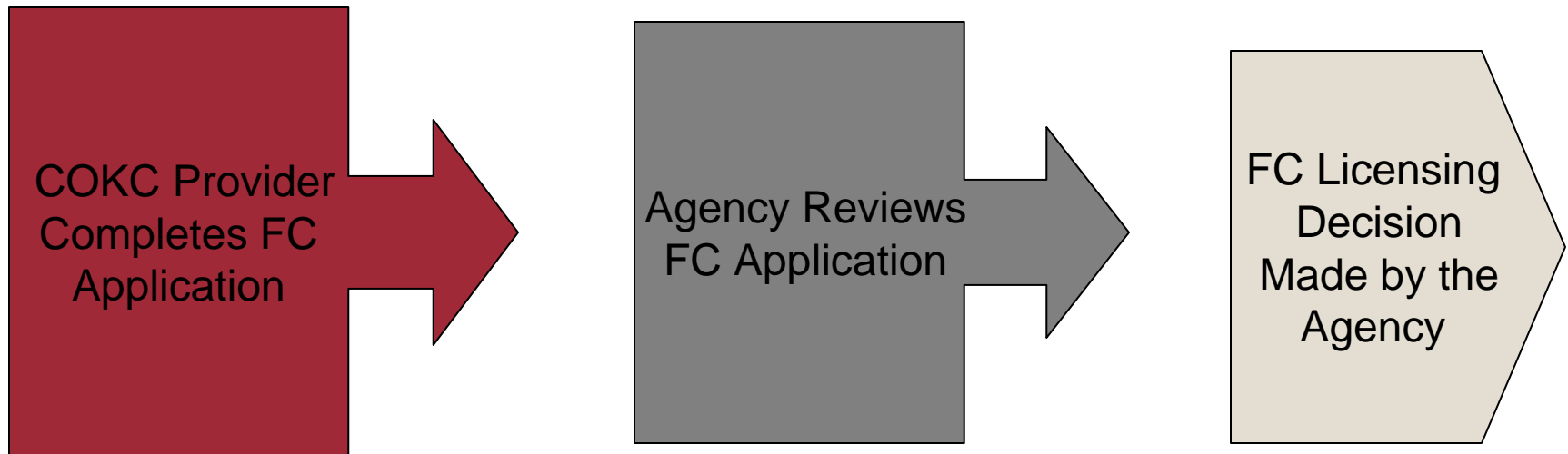
**Webcast 1 has more specifics about this process*

COKC Cases

Approved After 1/1/2010



TOTAL TIME CANNOT EXCEED 4 MONTHS
from COKC Approval



Questions?

Submit Emails to:

DCFLOCwebcasts@wisconsin.gov